

BEFORE THE
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. OT 2008-425

MARY THERESA SEARCY
P.O. Box 2094
Englewood, Colorado 80150

Occupational Therapist License No. OT 6209


Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the California Board of Occupational Therapy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on September 1, 2010.

It is so ORDERED August 2, 2010.


FOR THE CALIFORNIA BOARD OF
OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS

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Supervising Deputy Attorney General
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CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. OT 2008-425

11 MARY THERESA SEARCY
12 P.O. Box 2094
13 Englewood, Colorado 80150

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

14 Occupational Therapist License No. OT 6209

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Heather Martin (Complainant) is the Executive Officer of the California Board of
21 Occupational Therapy (Board), Department of Consumer Affairs. She brought this action solely
22 in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney
23 General of the State of California, by Jonathan D. Cooper, Deputy Attorney General.

24 2. Respondent Mary Theresa Searcy (Respondent) is represented in this proceeding by
25 attorney Caron L. Stapleton with Phillips, Spallas & Angstadt LLP, whose address is Three
26 Embarcadero, Suite 550, San Francisco, CA 94111.

27 3. On or about February 4, 2003, the Board issued Occupational Therapist License No.
28 OT 6209 to Respondent. The license was in full force and effect at all times relevant to the

1 charges brought in Accusation No. OT 2008-425 and will expire on June 30, 2011, unless
2 renewed.

3 JURISDICTION

4 4. Accusation No. OT 2008-425 was filed before the Board on January 20, 2010, and is
5 currently pending against Respondent. The Accusation and all other statutorily required
6 documents were properly served on Respondent on January 26, 2010. Respondent timely filed
7 her Notice of Defense contesting the Accusation. A copy of Accusation No. OT 2008-425 is
8 attached as Exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. OT 2008-425. Respondent has also carefully read,
12 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
13 Disciplinary Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
16 her own expense; the right to confront and cross-examine the witnesses against her; the right to
17 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
18 compel the attendance of witnesses and the production of documents; the right to reconsideration
19 and court review of an adverse decision; and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. OT 2008-425.

26 9. Respondent agrees that her Occupational Therapist License is subject to discipline
27 and she agrees to be bound by the California Board's imposition of discipline as set forth in the
28 Disciplinary Order below.

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099																																																																																																																																																																																																																																						
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14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Occupational Therapist License No. OT 6209 issued to Respondent Mary Theresa Searcy (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for two (2) years on the following terms and conditions.

1. Obey All Laws. Respondent shall obey all federal, state and local laws and regulations governing the practice of occupational therapy in California. Respondent shall submit, in writing, a full detailed account of any and all violations of the law to the Board within five (5) days of occurrence.

2. **Compliance with Probation and Quarterly Reporting.** Respondent shall fully comply with the terms and conditions of probation established by the Board and shall cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with probation. Respondent, within ten (10) days of completion of the quarter, shall submit quarterly written reports to the Board on a Quarterly Report of Compliance form obtained from the Board.

3. **Personal Appearances.** Upon reasonable notice by the Board, respondent shall report to and make personal appearances at times and locations as the Board may direct.

4. Notification of Address and Telephone Number Change(s).

Respondent shall notify the Board, in writing, within five (5) days of a change of residence or mailing address, of her new address and any change in work and/or home telephone numbers.

5. Tolling for Out-of-State Practice, Residence or In-State Non-Practice.

In the event respondent should leave California to reside or to practice outside the State for more than thirty (30) days, respondent shall notify the Board or its designee in writing within five (5) days of the dates of departure and return. All provisions of probation, other than the address change and cost recovery requirements, shall be held in abeyance until respondent resumes practice and/or residence in California. All provisions of probation shall recommence on the

1 effective date of resumption of residence or practice in California.

2 6. **Notification to Employer(s).** When currently employed or applying for employment
3 in any capacity in any health care profession, Respondent shall notify her employer of the
4 probationary status of respondent's license. This notification to the current employer shall occur
5 no later than the effective date of the Decision. Respondent shall notify any prospective health
6 care employer of her probationary status with the Board prior to accepting such employment.
7 This notification shall be made by providing the employer or prospective employer with a copy of
8 the Board's Accusation and Stipulated Settlement and Disciplinary Decision and Order.

9 Respondent shall cause each health care employer to submit quarterly reports to the Board.
10 The reports shall be on a form provided by the Board, shall include a performance evaluation and
11 such other information as may be required by the Board.

12 Respondent shall notify the Board, in writing, within five (5) days of any change in
13 employment status. Respondent shall notify the Board, in writing, within five (5) days if she is
14 terminated from any occupational therapy or health care related employment with a full
15 explanation of the circumstances surrounding the termination.

16 7. **Employment Requirements and Limitations.** During probation, respondent shall
17 work in her licensed capacity in the State of California. This practice shall consist of no less than
18 (6) continuous months and of no less than twenty (20) hours per week.

19 While on probation, respondent shall not work for a registry or in any private duty position,
20 except as approved, in writing, by the Board. However, employment by a private school or other
21 nonpublic agency is acceptable, provided that respondent does not have a proprietary interest in
22 that school or agency, and that another licensed Occupational Therapist is on staff and approved
23 by the Board to supervise and oversee respondent's practice. Respondent shall work only on a
24 regularly assigned, identified, and pre-determined work site(s) and shall not work in a float
25 capacity except as approved, in writing, by the Board.

26 8. **Supervision Requirements.** Respondent shall obtain prior approval from the Board,
27 before commencing any employment, regarding the level of supervision provided to the
28 respondent while employed as an occupational therapist or occupational therapy assistant.

1 Respondent shall not function as a supervisor during the period of probation except as
2 approved, in writing, by the Board.

3 9. **Continuing Education Requirements.** Respondent shall complete continuing
4 education in the areas of Stress Management and/or Law and Ethics for a total of twelve (12)
5 contact hours. Such continuing education shall be completed within one (1) year of the effective
6 date of the Decision.

7 Continuing education shall be in addition to the professional development activities
8 required for license renewal. Within thirty (30) days of the effective date of the Decision,
9 Respondent shall submit a written plan to comply with this requirement. The proposed plan shall
10 include the name or title of the course, a course description or syllabus, and identify the provider.
11 A Board representative shall approve such plan prior to enrollment in any course of study.

12 Failure to satisfactorily complete the required continuing education as scheduled shall
13 constitute a violation of probation. Respondent is responsible for all costs of such continuing
14 education. Upon successful completion of the course work, Respondent shall send the original
15 certificate(s) of completion to the Board within thirty (30) days of completion of the course(s).
16 Respondent shall send the original certificate(s) to the Board by certified mail, return receipt
17 requested.

18 10. **Maintenance of Valid License.** Respondent shall, at all times while on probation,
19 maintain an active current license with the Board, including any period during which license is
20 suspended or probation is tolled.

21 11. **Cost Recovery Requirements.** Respondent shall reimburse the Board for its
22 investigation and enforcement costs in this matter in the amount of \$2,554.50, pursuant to
23 Business and Professions Code section 125.3. Respondent may enter into a monthly payment
24 plan with the Board, but costs must be fully paid four (4) months prior to the termination of
25 Respondent's probation, or earlier. Failure to make payments in accordance with any formal
26 agreement entered into with the Board or pursuant to any Decision by the Board shall be
27 considered a violation of probation.

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1 Except as provided above, the Board shall not renew or reinstate the license of any
2 respondent who has failed to pay all the costs as directed in a Decision.

3 12. **Violation of Probation.** If respondent violates probation in any respect, the Board,
4 after giving respondent notice and opportunity to be heard, may revoke probation and carry out
5 the disciplinary order which was stayed. If an accusation or a petition to revoke probation is filed
6 against respondent during probation, the Board shall have continuing jurisdiction until the matter
7 is final, and the period of probation shall be extended until the matter is final.

8 13. **Completion of Probation.** Upon successful completion of probation, respondent's
9 license will be fully restored.

10 ACCEPTANCE

11 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
12 discussed it with my attorney, Caron L. Stapleton. I understand the stipulation and the effect it
13 will have on my Occupational Therapist License. I enter into this Stipulated Settlement and
14 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
15 Decision and Order of the California Board of Occupational Therapy.

16
17 DATED: 7-20-10

MARY THERESA SEARCY
18 MARY THERESA SEARCY
19 Respondent

20 I have read and fully discussed with my client, Respondent Mary Theresa Searcy, the terms
21 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
22 Order. I approve its form and content.

23
24 DATED: 7/21/10

Caron L. Stapleton
25 Caron L. Stapleton
26 Attorney for Respondent

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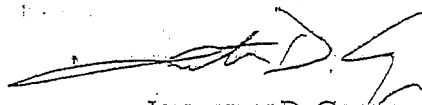
1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
3 submitted for consideration by the California Board of Occupational Therapy of the Department
4 of Consumer Affairs.

5 Dated: 7/27/10

Respectfully Submitted,

6 EDMUND G. BROWN JR.
7 Attorney General of California
8 FRANK H. PACOE
9 Supervising Deputy Attorney General

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11 JONATHAN D. COOPER
12 Deputy Attorney General
13 *Attorneys for Complainant*

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